



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 10/697,174 | 10/30/2003 | Jonathan Levene | SNS-016 | 8152 |
| 51414 | 7590 | 07/18/2007 | | |
| GOODWIN PROCTER LLP PATENT ADMINISTRATOR EXCHANGE PLACE BOSTON, MA 02109-2881 | | | EXAMINER AMIN, JWALANT B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2628 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 07/18/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/697,174 | Applicant(s) LEVENE ET AL. | |
| | Examiner Jwalant Amin | Art Unit 2628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-18,20-29,32-34 and 46-57 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 46-51 is/are allowed.
6) ☒ Claim(s) 1,4-18,20-29,32-34 and 52-57 is/are rejected.
7) ☒ Claim(s) 19 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/4/2007 have been fully considered but they are not persuasive.
2. Regarding claim 1, applicant argues "... there is no second texture in which a plurality of brush strokes are accumulated before blending into the protected image" (see page 12 paragraph 4, and page 13 paragraphs 1 and 3 of applicant's remarks).
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "second texture in which a plurality of brush strokes are accumulated before blending into the protected image") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Please refer to the rejection of claim 1 for further details regarding defining the second texture, its modification using the first texture and blending it into the protected image.
4. Regarding claim 27, applicant argues "... neither Adobe nor any of the other cited references teaches creation of a mask layer to prevent the opacity of an initial image from decreasing below a specified nonzero opacity less than 100%" (see page 14 last paragraph of applicant's remarks).
5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., "creation of mask layer to prevent the opacity of an initial image from decreasing below a specified nonzero opacity less than 100%") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4-18, 20-29, 32-34 and 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe Press ("Adobe Photoshop 7.0 Classroom in a Book", 6/25/2002; hereinafter referred to as Adobe), and further in view of Swanson Tech Support ("Photoshop Techniques 004: How to use Postscript Art as a Stencil in Photoshop", 1994; hereinafter referred to as Swanson).

8. Regarding claim 1, Adobe teaches a method of protecting a selected region of an image from subsequent editing (working with layers in Adobe Photoshop facilitates editing/deleting the current layer without affect the other layers; e.g. background garden image is one layer and the door image with white surrounding area is another layer; when removing the white area around the door, the background garden image layer is not affected); a first texture (opening Door.psd file that contains the door image) and a

protected image (background garden image) (pg. 131-137). Adobe further teaches the graphical input represents a plurality of brush strokes performed by a user (short strokes using the healing brush tool, pg. 202) such that the plurality of brush strokes comprises at least one overlapping portion (two or more overlapping brush strokes are visible in the figures on pg. 231). Adobe also teaches that there is a texture attached with the brush (when selecting the brush, a texture is attached with the brush by selecting the texture option, pg. 167; when a brush from the blur tool is selected, there is a texture attached with the blur tool brush, pg. 225)

Although Adobe discloses the claimed limitations as stated above, Adobe does not explicitly teach creating a first texture comprising a plurality of pixels each with an assigned scalar value indicating a level of protection for a corresponding pixel of a protected image; directing graphical input into a second texture, wherein the protected image is at least initially unedited by the graphical input; modifying a value of at least one pixel of the second texture using the first texture; and blending at least one pixel of the second texture into the protected image. However, Swanson (step 2A-2C, 3A-3B, pg. 1-3) teaches to open a mask image (creating first texture comprising a plurality of pixels in a layer) in a new document (the brick image in a different layer acts as the protected image, where each pixel of the mask image has an opacity value (scalar value) that indicates the opacity/transparency of the mask image). Swanson further teaches to click on the normal mode icon (first user signal) to convert the mask into a selection outline, and use paint tools to paint and color inside the selection outline (user uses a paint brush as displayed in fig. 3B as a graphical input; the texture attached with

the brush corresponds to the second texture; as the brush strokes are applied on a layer with selection outline, this texture attached with the brush strokes that is directed to the layer on which the drawing occurs inside the selection outline corresponds to the modified second texture; fig. 3B represents the second texture that is continuously modified as the brush strokes are applied to it; since texture attached with the brush strokes forms the modified second texture by applying the brush strokes to a layer with selection outline is a different layer than the protected brick image, the brick image is not affected by the drawing using the paint brush strokes). Swanson further teaches that when the paint from the paintbrush tool is applied on the layer with in the selection outline representing the modified second texture, the shape of the mask image layer (first texture) appears with every brush stroke, and thus changing the values of corresponding pixels of the second texture (fig. 3A and fig. 3B, pg. 3; when the first brush stroke (second user signal) with the second texture is applied to the layer with the selection outline, a portion of the mask layer appears at the position of the brush stroke curve, if the brush stroke is within the selection outline, and thus this layer with selection outline on which the brush stroke with second texture is applied corresponds to modified second texture layer formed using the first texture; for every consequent brush stroke the same procedure is followed; the examiner interprets that the claim does not require to save the brush stroke(s) to create second texture, and then modify this second texture created by saving the brush strokes using the first texture). Swanson also teaches to blend the layer of the modified second texture, which is painted using the paintbrush tool (applying the brush strokes using the paintbrush tool corresponds to the

second user signal) with the protected layer of brick image, and thus finally forming the image as displayed in step 3B (displaying an image based on the result; the examiner interprets that the claim does not require to accumulate the brush strokes before blending it with the protected image). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use the Quick Mask mode icon as taught by Swanson into the Adobe Photoshop tool of Adobe because placing the stencil graphics onto the Quick Mask and painting away with Photoshop's Airbrush tool in Normal mode, the color will stay neatly trimmed inside of the stencil shape (pg. 2 Photoshop 2.5's Quick Mask feature).

9. Regarding claim 4, Adobe teaches at least one overlapping portion corresponds to an area overlapped by a plurality of brush strokes (the overlapping portion resulted by dragging the brush a particular area corresponds to an area overlapped by a plurality of brush strokes, pg. 231).

10. Regarding claim 5, Adobe teaches the plurality of brush strokes comprises at least one member selected from the group consisting of a paint stroke, an erase stroke, a pencil stroke, a pen stroke, a line application, a character application, a text application, a batch deletion, a batch paste, and a flood fill (1-1 Toolbox overview; eraser tool and the magic eraser tool performs the erase stroke, brush tool performs the brush stroke).

11. Regarding claim 6, Adobe teaches the graphical input corresponds to a movement of a user (pg. 136; the user selected the magic eraser tool).

12. Regarding claim 7, Adobe teaches assigning scalar values (opacity, pg. 225) to pixels of a scratch texture (when selecting the brush, the texture attached with the brush by selecting the texture option corresponds to the scratch texture, pg. 167) that corresponds to a transition region at one or more edges of a brush stroke (smoothing the edges of a stroke, pg. 225).

13. Regarding claim 8, Adobe teaches a graphical input comprising a scratch texture (when selecting the brush, the texture attached with the brush by selecting the texture option corresponds to the scratch texture, pg. 167; when a brush from the blur tool is selected, the texture attached with the blur tool brush is the scratch texture, pg. 225) representing a brush stroke (blur tool brush) and blends the scratch texture into the second texture (highlight layer) substantially upon completion of the brush stroke (blur tool is used to soften the edges of the paint strokes, smoothing out the color transition by dragging the blur brush tool over the shadows and highlights of the highlight layer, and thus blending the paint applied from the blur tool brush with the highlight layer to soften the color transition, pg. 225).

14. Regarding claim 9, Adobe teaches the step of blending the scratch texture into the second texture comprises performing a compositing operation (pg. 223-225, when a brush stroke with blur texture (acts as scratch texture) is dragged over the highlight layer (acts as second texture) to soften the color transitions, and this is achieved by compositing the paint from the blur tool brush and the highlight layer; adjusting the strength option while blurring the image controls the degree of compositing, pg. 220-225).

15. Regarding claim 10, Adobe teaches the compositing operation is an overlay operation (pg. 225, when the blur tool brush is dragged over the highlight layer, it overlays the paint from the blur tool brush onto the highlight layer to soften the color transitions) performed with pixels of A and B, where A comprises pixels having a paint color attenuated by the scratch texture (blur tool brush having paint color) and B comprises the second texture (highlight layer).

16. Regarding claim 11, Adobe teaches comparing a candidate scalar value from received data (opacity value of the highlight layer) to an existing scalar value at a corresponding pixel of the scratch texture (opacity value of the paint from the blur tool brush; pg. 223-225, the opacity of the highlight layer is checked and if it is transparent, then those transparent pixels will be unaffected, but if it is not transparent then it is compared with the opacity value of the blur tool brush to determine the blending factor); and assigning the candidate scalar value to the corresponding pixel of the scratch texture only if the candidate scalar value exceeds the existing scalar value (when the opacity of the highlight layer is set to transparent, it is assigned to the blur tool brush so that that pixel of the highlight layer is unaffected).

17. Regarding claim 12, Adobe teaches the graphical input represents at least one brush stroke performed by a user (short strokes using the healing brush tool, pg. 202). Adobe further teaches an overlapping portion by a plurality of brush strokes (two or more overlapping brush strokes are visible in the figures on pg. 231), and that a random pattern could be created until the user is satisfied with the result (pg. 245). Although Adobe does not explicitly teach the at least one brush stroke comprises at least one

overlapping portion corresponding to an area of a single brush stroke that overlaps itself, it would have been obvious to one of ordinary skill in the art at the time of present invention to draw a brush stroke overlapping itself to create some random pattern because overlapping a brush stroke with itself helps to create random patterns that satisfies the user by achieving the desired results (pg. 245).

18. Regarding claim 13, Adobe teaches all of the claimed limitations as stated above, except that Adobe does not explicitly teach copying at least one pixel of the protected image into a display image; and blending at least one pixel of the second texture into the display image. However, Swanson (pg. 1-3) teaches to copy at least one pixel of the protected image (brick image layer) into a display image (display image is any image that is visible to the user/viewer on the display screen, figure represented by steps 2A-2C shows the protected brick image layer as the display image; when a new document is created in Photoshop, the brick image layer is read (copied) into the memory for display); and blending at least one pixel of the second texture into the display image (since the display image is same the protected image at this point, blending the modified second texture with the display image is same as blending the modified second texture with the protected image; please refer to claim 1 for further details regarding blending the second texture with the protected image). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to blend the second texture by painting and coloring the display image as taught by Swanson into the Photoshop program of Adobe because displaying the image will allow

the user to paint inside the selection outside with reckless abandon (pg. 3 last paragraph).

19. Regarding claim 14, although Adobe teaches all of the claimed limitations as stated above, Adobe does not explicitly teach that the step (i) and (ii) are performed prior to step (d). However, Swanson teaches that the protected image is same as the display image (see rejection of claim 13 for further details). Swanson also teaches that when the first brush stroke is applied, step d is performed. However, when the second brush stroke is applied steps e and f are performed prior to step d since the blending with the second texture is performed first on the display image, and also as the display image is same as the protected image, similar blending needs to be updated on the protected image (pg. 1-3; steps d, e and f are performed in a loop for all the strokes except the first paint stroke). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to perform steps e and f prior to step d as taught by Swanson and use it into the Photoshop program of Adobe because updating the display image by applying paint also requires to update the protected image to perform this interactive operation in real-time.

20. Regarding claim 15, although Adobe teaches all of the claimed limitations as stated above, Adobe does not explicitly teach that at least one of step (c) and step (ii) proceeds pixel-by-pixel as the second texture accumulates graphical input. However, Swanson teaches that when the paint from the paintbrush tool is applied on the layer of the second texture in the selection outline, the shape of the mask image layer (first texture) appears with every brush stroke, and thus changing the values of

Art Unit: 2628

corresponding pixels of the second texture layer where the brush stroke is applied (pg. 3).

21. Regarding claim 16, the statements provided above, with respect to claims 1, 13, 14 and 15, are incorporated herein.

22. Regarding claim 17, Adobe teaches the graphical input representing at least one erase stroke performed by a user (selecting magic eraser tool erases the white area surrounding the door image, pg. 136).

23. Regarding claim 18, although Adobe teaches all of the claimed limitations as stated above, Adobe does not explicitly disclose modifying a value of at least one pixel in the protected image using the first texture. However, Swanson teaches to click on the Normal mode icon to modify the pixel values of the protected brick image by converting the mask image into a selection outline (when the user clicks on the normal mode icon, the brick image is displayed by converting the mask image into a selection outline).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of present invention to modifying the pixel value of a protected image as taught by Swanson and use it into the Photoshop program of Adobe because Photoshop will allow a user to use the mask shape as a stencil to spray-paint inside it to create logos or layouts (pg. 1).

24. Regarding claim 20, Adobe teaches the graphical input represents at least one paint stroke (paint with short, downward strokes, pg. 236) and at least one erase stroke performed by a user (selecting magic eraser tool erases the white area surrounding the door image, pg. 136).

25. Regarding claim 21, although Adobe teaches all of the claimed limitations as stated above, Adobe does not explicitly disclose attenuating values of pixels of the second texture using values of corresponding pixels in the first texture. However, Swanson teaches to apply brush strokes on the layer with selection outline and thus forming the modified second texture and thereby making the mask image of the first texture appear with every brush stroke (pg. 3; with every brush stroke paint is applied to the second texture and the first texture starts reappearing from beneath the layer of the second texture by attenuating the pixel values of the corresponding second texture using the pixel values of the first texture, where each brush stroke is applied). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention modifying pixel values of the top-layered second texture using the corresponding pixel values of the bottom-layered first texture as taught by Swanson and use it into the Photoshop program of Adobe because trimming the color neatly inside the original shape allows to draw inside of the selection outside with reckless abandon (pg. 3 last paragraph).

26. Regarding claim 22, although Adobe teaches all of the claimed limitations as stated above, Adobe does not explicitly disclose step (d) comprises performing a compositing operation. However, Swanson teaches to blend (compositing operation) the layer of the second texture, which is painted using the paintbrush tool with the protected layer of brick image by overlaying the second texture layer on the protected image layer, and thus finally forming the image as displayed in step 3B. Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to

use the Quick Mask mode icon as taught by Swanson into the Adobe Photoshop tool of Adobe because placing the stencil graphics onto the Quick Mask and painting away with Photoshop's Airbrush tool in Normal mode, the color will stay neatly trimmed inside of the stencil shape (pg. 2 Photoshop 2.5's Quick Mask feature).

27. Regarding claim 23, although Adobe teaches all of the claimed limitations as stated above, Adobe does not explicitly disclose the compositing operation is an overlay operation performed with pixels of A and B, where A comprises the second texture and B comprises the protected image. However, Swanson teaches to blend (compositing operation) the layer of the second texture, which is painted using the paintbrush tool with the protected layer of brick image by overlaying the second texture layer on the protected image layer, and thus finally forming the image as displayed in step 3B (pg. 3; when the layer of second texture is overlaid on the protected image, and a blending operation is performed to blend the pixels of the second texture with the pixels of the protected image; pixels of second texture correspond to the pixels of A; pixels of the protected image corresponds to the pixels of B). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use the Quick Mask mode icon as taught by Swanson into the Adobe Photoshop tool of Adobe because placing the stencil graphics onto the Quick Mask and painting away with Photoshop's Airbrush tool in Normal mode, the color will stay neatly trimmed inside of the stencil shape (pg. 2 Photoshop 2.5's Quick Mask feature).

28. Regarding claim 24, although Adobe teaches all of the claimed limitations as stated above, Adobe does not explicitly disclose that A comprises the second texture as

modified in step (c). However, Swanson teaches that step (c) is performed prior to step (d), and so the second texture is already modified prior to the compositing operation performed in step (d). Please refer to the rejection of claims 1, 22, and 23 for further details.

29. Regarding claim 25, Adobe teaches that Photoshop is an interactive program that performs operations in real-time. Although Adobe teaches the claimed limitations as stated above, Adobe does not explicitly disclose step (c) and step (d) are performed substantially simultaneously. However, Swanson teaches that step (c) is performed prior to step (d). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to perform steps (c) and (d) as suggested by Swanson and use it into the interactive Photoshop program of Adobe because performing these steps substantially simultaneously helps the Photoshop program to perform in real-time.

30. Regarding claim 26, Adobe teaches the assigned scalar value (opacity value) of a pixel in the first texture (door layer) indicates a level of protection from 0% to 100% (50% is between 0% to 100%, pg. 138).

31. Regarding claim 27, Adobe teaches the level of protection is a nonzero value less than 100% (50% is less than 100%, pg. 138; the examiner interprets that the claim just recites the level of protection is a nonzero value less than 100%, and 50% meets the claim requirement).

32. Regarding claim 28, Adobe teaches the level of protection relates to an opacity (reducing the opacity of the door layer allows other layers to show through it, i.e. if the door layer is opaque then it blocks all the layers that lie below it; pg. 138).

Art Unit: 2628

33. Regarding claim 29, Adobe teaches that working on an active layer does not affect the layers lying below it until they are blended for display (working with layers in Adobe Photoshop facilitates editing/deleting the current layer without affect the other layers; e.g. background garden image is one layer and the door image with white surrounding area is another layer; when removing the white area around the door, the background garden image layer is not affected) (pg. 131-137).

Although Adobe teaches all of the claimed limitations as stated above, Adobe does not explicitly disclose the protected image is unedited by the graphical input of step (b) until blending in step (d). However, Swanson teaches to blend the layer of the modified second texture, which is painted using the paintbrush tool (still the protected image layer is not affected by the modified second texture layer) with the protected layer of brick image by overlaying the modified second texture layer on the protected image layer, and thus finally forming the image as displayed in step 3B. Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to use the Quick Mask mode icon as taught by Swanson into the Adobe Photoshop tool of Adobe because placing the stencil graphics onto the Quick Mask and painting away with Photoshop's Airbrush tool in Normal mode, the color will stay neatly trimmed inside of the stencil shape (pg. 2 Photoshop 2.5's Quick Mask feature).

34. Regarding claims 32 and 33, Adobe teaches to click on the eye icon to next to the background garden image layer to hide that layer so that only the door layer is the active layer. Then the user clicks on the magic eraser tool to erase the white area surrounding the door image. Again clicking on the eye icon of background garden image

layer shows the garden image with the door image on top of it. Therefore, when the door image was edited, the background garden image was not affected.

Although Adobe teaches all of the claimed limitations as stated above, Adobe does not explicitly disclose that the graphical input in step (b) represents a plurality of paint strokes performed by the user between the first user signal and the second user signal. However, Swanson teaches to use a Photoshop program for painting and coloring the shapes using Photoshop's paint tools (pg. 3; the user hides the protected image layer by clicking (button click) on the eye icon next to it (first user signal), at this point the layer with selection outline is the active layer; then the user paints and colors using a paint brush (plurality of brush strokes), and the last paint brush stroke in this plurality of brush strokes corresponds to the second user signal). Therefore, it would have been obvious to one of ordinary skill in the art at the time of present invention to perform user-interactive actions as taught by Swanson and use it into the Photoshop program of Adobe because such interactive program allows to paint with reckless abandon as all the color is trimmed neatly inside the original shape (pg. 3).

35. Regarding claim 34, Adobe teaches that the first texture represents at least one user-selected region of the image (white area surrounding the door is selected when the user clicks on the door image layer, pg. 136).

36. Regarding claim 52, Adobe teaches an apparatus for protecting a selected region of an image from subsequent editing, the apparatus comprising a graphical user interface device (brush tool, pg. 167); and a processor (computer, pgs. 2-3) configured

to run software (Photoshop 7.0) according to the method of claim 1. Please refer to the rejection of claim 1 for further details.

37. Regarding claim 53, the statements presented above, with respect to claims 52 and 5, are incorporated herein.

38. Regarding claim 54, the statements presented above, with respect to claims 52 and 26, are incorporated herein.

39. Regarding claim 55, the statements presented above, with respect to claims 54 and 27, are incorporated herein.

40. Regarding claim 56, the statements presented above, with respect to claims 54 and 28, are incorporated herein.

41. Regarding claim 57, the statements presented above, with respect to claims 52 and 29, are incorporated herein.

Allowable Subject Matter

42. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

43. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 19, the prior art of reference fails to show, individually or in combination, attenuating a value of a pixel in the protected image subject to a minimum RGB α alpha value, where the minimum alpha value is determined using the first texture.

44. Claims 46-51 are allowed.

45. The following is an examiner's statement of reasons for allowance:

Regarding claim 46, the prior art of reference fails to show, individually or in combination, attenuating a value of a pixel in the protected image subject to a minimum RGB α alpha value determined from the first texture.

Claims 47-51 are dependent on claim 46, and therefore the examiner gives the same reasons as stated above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

46. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

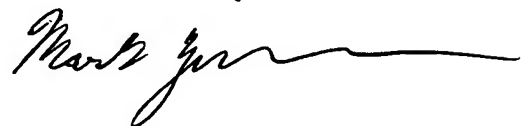
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

47. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jwalant Amin whose telephone number is 571-272-2455. The examiner can normally be reached on 9:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 571-272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*** J.A. 7/11/07



MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600